



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/851,722

05/08/2001

Theodore F. Rabenko

2875.0970002

3641

26111

7590

03/06/2007

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

SHAND, ROBERTA A

ART UNIT

PAPER NUMBER

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/851,722

Applicant(s)

RABENKO ET AL.

Examiner

Roberta A. Shand

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Edson (U.S. 6526581 B1).

3. Regarding claims 1 and 11, Chen teaches (fig. 3) a communications system, comprising: a plurality of media terminal adapters (14, 16) coupled to a first telephone line (line from HPNA); a second telephone line (PSTN); an analog telephone (it s inherent in Chen's system that analog phones are connected to the PSTN) coupled to the second telephone line; and a gateway (34) coupled to the first and second telephone lines and an IP network (24), and configured to exchange voice and data packets between a network and each of the media terminal adapters over the first telephone line (line from HPNA) and the analog telephone over the second telephone line (PSTN),

1. Although Chen's integrated phone-based home gateway is designed to interface broadband and narrow band communications including voice, and processing information from one or more networks, Chen does not explicitly teach the gateway receives a packet payload and determines if the packet is voice or data, if the packet is voice the gateway further determines if the voice is destined for the analog telephone or a media terminal adapter, if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal

Art Unit: 2616

adapter the gateway reformats the packet and transmits the packet to the media terminal adapter via the first telephone line.

2. Edson teaches the gateway receives a packet payload (fig. 1 and col. 5, line 58- col. 6 line 10, Edson teaches that the gateway receives both voice and data) and determines if the packet is voice or data (col. 7, lines 4-9, Edson teaches that the gateway selects the external links based on external programming. It is inherent in this process that the internal programming must determine whether data or voice to make a proper selection), if the packet is voice the gateway further determines if the voice is destined for the analog telephone or a media terminal adapter, if the voice packet is destined for the analog telephone, the gateway depacketizes the voice packet, generates a voice signal and transmits it to the analog telephone, if the packet is destined for the media terminal adapter the gateway reformats the packet and transmits the packet to the media terminal adapter via the first telephone line (Edson teaches, col. 9, line 52 – col. 10, line 65, that the gateway contains a router and conversions between the protocol used on the respective meter and the router. The router provides packet switched routing to and from the various interfaces 121, 123 and 125, fig. 2). It would have been obvious to one of ordinary skill in the art to adapt this to Chen's system to utilize a gateway providing an open software interface to control communications and to enable devices of various divergent technologies to selectively access external communication features (abstract).

3. Regarding claims 2 and 12, Chen teaches (paragraph 65) one of the media terminal adapters comprises a telephony device (VoIP phone).

4. Regarding claims 3 and 13, Chen teaches (paragraph 65) the telephony device is a telephone (VoIP phone).

5. Regarding claims 4 and 14, Chen teaches (fig. 3) the gateway is configured to exchange the voice and data packets between the network and the media terminal adapters by converting between a first format for the voice and data packets on the network and a second format for the voice and data packets on the telephone line, the first and second format being different.

6. Regarding claims 5, 15 and 17, Chen teaches (fig. 3) one of the media terminal adapters comprises a telephone responsive to the voice packets having the second format.

7. Regarding claims 6 and 18-20, Edson teaches (fig. 1) a voice processing engine configured to convert between the voice packets having the second format and an analog voice signal in the voice band frequency (Edson teaches, col. 9, line 52 – col. 10, line 65, that the gateway contains a router and conversions between the protocol used on the respective meter and the router. The router provides packet switched routing to and from the various interfaces 121, 123 and 125, fig. 2).

8. Regarding claim 7, Edson teaches (fig. 1) a telephone, and wherein one of the media terminal adapters comprises an adapter configured to exchange the voice packets on the telephone line having the second format with analog voice in a voice band frequency. Edson

Art Unit: 2616

teaches, col. 9, line 52 – col. 10, line 65 that the gateway contains a router and conversions between the protocol used on the respective meter and the router. The router provides packet switched routing to and from the various interfaces 121, 123 and 125, fig. 2.

9. Regarding claim 8, Chen teaches (paragraph 136) the gateway comprises a cable modem

10. Regarding claim 9, Chen teaches (fig. 3) the gateway comprises a first port (24) coupled to the telephone line (PSTN) and a second port (24), and an additional media terminal adapter (14, 16) coupled to the second port.

11. Regarding claim 10, Chen teaches (fig. 3) a voice and data processor configured to exchange the voice and data between the network and the additional media terminal adapter.

12. Regarding claim 16, Chen teaches (fig. 3) exchanging a second plurality of voice and data packets between the network and an additional media terminal adapter.

13. Regarding claim 17, Chen teaches (fig. 3) a communication system comprising: means for receiving a packet payload from an internet protocol network (24);

14. Although Chen's integrated phone-based home gateway is designed to interface broadband and narrow band communications including voice, and processing information from one or more networks, Chen does not explicitly teach means for determining if the received packet payload is voice packet or data packet; if the received packet payload is a voice packet, means for determining if the voice packet is destined for a telephone coupled to a first telephone

Art Unit: 2616

line or a second network coupled to second telephone line, and having a plurality of media adapter terminals; means for depacketizing the voice packet, means for generating an analog voice signal, and means for transmitting the analog voice signal over the first phone line to the telephone if the voice packet is destined for the telephone, and means for reformatting the voice packet and transmitting the reformatted voice packet over the second phone line to the second network, if the voice packet is destined for the second network.

15. Edson teaches means for determining if the received packet payload is voice packet or data packet (col. 7, lines 4-9, Edson teaches that the gateway selects the external links based on external programming. It is inherent in this process that the internal programming must determine whether data or voice to make a proper selection); if the received packet payload (fig. 1 and col. 5, line 58- col. 6 line 10, Edson teaches that the gateway receives both voice and data) is a voice packet, means for determining if the voice packet is destined for a telephone coupled to a first telephone line or a second network coupled to second telephone line, and having a plurality of media adapter terminals; means for depacketizing the voice packet, means for generating an analog voice signal, and means for transmitting the analog voice signal over the first phone line to the telephone if the voice packet is destined for the telephone, and means for reformatting the voice packet and transmitting the reformatted voice packet over the second phone line to the second network, if the voice packet is destined for the second network (Edson teaches, col. 9, line 52 – col. 10, line 65, that the gateway contains a router and conversions between the protocol used on the respective meter and the router. The router provides packet switched routing to and from the various interfaces 121, 123 and 125, fig. 2). It would have been obvious to one of ordinary skill in the art to adapt this to Chen's system to utilize a gateway

Art Unit: 2616

providing an open software interface to control communications and to enable devices of various divergent technologies to selectively access external communication features (abstract).

Response to Arguments

16. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2616

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS

Roberta A Shand
Examiner
Art Unit 2616

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal line extending to the right.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600